

36

*** Plenary Session of Tripartite Labour Conference**

Dr. B. R. Ambedkar's Address

Presiding over the sixth plenary session of the Tripartite Labour Conference which began in New Delhi on October 27, the Hon'ble Dr. B. R. Ambedkar, Labour member, Government of India, suggested changes in the constitution of the Conference to remove organisational weaknesses discovered during its two years' existence.

He suggested that the subjects coming within the purview of the Conference should be divided into two lists: List 1 to contain all general subjects, such as terms and conditions of employment, labour legislation and questions relating to social security, and List 2 to include all concrete questions relating to labour welfare and administration of labour laws.

Here is the full text of Dr. Ambedkar's speech :

"It would be a very easy and very pleasant task indeed for a Chairman if his opening address was to be nothing more than a word of welcome and a word of gratitude to the delegates assembled. Convention requires that a Chairman must say something more than that. For a Chairman of a Labour Conference such as ours, it is not an easy matter to select his theme. This is not a Conference of philosophers. He cannot therefore play the part of the pedant and get over without committing himself to anything by indulging in intellectual acrobatics which have no social import. This is not a Conference for the reconstruction of society, and the Chairman cannot fill his opening address with a disquisition on capitalism, socialism, communism and other ideologies.

"This Conference is not a meeting of an ethical society, and the Chairman cannot choke it up with appeals to righteousness to stir up

* Indian Information, November 15, 1944, pp. 590-97.

emotions. I do not know what is the best pattern for an opening address by a Chairman to the Labour Conference. For the purposes of this session I propose to get over the difficulty by using this opportunity of addressing you on matters of practical importance. I feel sure that you will not regard it as inappropriate.

“There were two matters in particular which I wanted to cover which must be of interest to members of the Conference. Firstly, to give you a survey of the action taken by the Government on various questions which have been discussed by the Conference and the Standing Labour Committee and secondly, to refer to the defects in the constitution and procedure of the Tripartite Organisation.

“The first subject proved too large for this address. It would have taken a good lot of your time which having regard to your Agenda, you could ill-afford to give. I therefore thought of presenting you a separate Memorandum (Printed with this speech) on the subject. You are already in possession of that memorandum. It may be taken as part of my address.

Tripartite Organisation

“There remains the other subject for me to deal with, namely, the question regarding the organisation and procedure of this Conference. We have had two years’ experience of the working of the Plenary Conference and the Standing Labour Committee. That experience cannot be called long. But short as it is, it has revealed some weaknesses in the organisation we have set up. The following appear to me rather serious :—

- (1) There is no clear cut division of functions between the Conference and the Standing Labour Committee. It is not that one is a deliberative body and the other is an executive body. Both are deliberative.
- (2) There is overlapping in the work they do. The subjects discussed by both are of the same nature.
- (3) There being no clear cut distinction between general questions and concrete problems, the discussions in the Conference as well as in the Committee become too general to be of much use, even concrete problems are treated as though they were general.

- (4) There is no machinery to undertake the task of examining special problems and reporting upon them. It is an important function and there must be some machinery charged with such a function.
- (5) There is no machinery to study and advise on problems of labour welfare, industry by industry.

Separate Secretariat

“A second weakness in the organisation has also been pointed out by some members of the Conference. It relates to the non-existence of a separate Secretariat for the Labour Conference. It is suggested that there should be a separate Secretariat to take over the following functions namely:—

- (a) Preparation for meetings (i.e., circulation of papers, informing members of the dates fixed, agenda, etc.);
- (b) Preparation of records of the proceedings ;
- (c) Propaganda by issue of leaflets and tours ;
- (d) Financial administration such as payment to staff and T.A. bills of non-Government members attending the Conference ;
- (e) Research and collection of information to serve as a basis of discussion and recommendation ; and
- (f) Check-up of the action taken by Government.

“There are two other matters which have given ground for complaint. One of these relates to the preparation of the Agenda of the Labour Conference and the Standing Labour Committee. The existing procedure in the matter of the Agenda is said to be defective in two respects. First, members of the Conference and the Committee are not entitled to have matters in which they are interested placed on the Agenda at their will. The second defect is that the memoranda which accompany the Agenda reach members so late that they have no time to study and be prepared to make their contribution to the discussion of the subject.

“Another matter which has given rise to complaint relates to the representation of the different parties on the Conference and on the Standing Labour Committee. The employers have stated that it is objectionable on the part of Government to reserve three seats for employers to be nominated by Government. It is their contention that

the Employers' Federation of India and the All-India Organisation of Industrial Employers are fully representative of the employer class in India and that therefore the provision for appointing more employers' representatives by nomination is unnecessary. The method of representation of labour is also said to suffer from one defect, namely, that among those who represent labour there is none who belongs actually to the labouring classes.

"You would naturally want me to tell you what action Government is prepared to take in this connection. I am anxious on my part to do whatever is possible to see that the Labour Conference functions properly and does not suffer in its working by reason of any serious fault in its mechanism. You will, however, realise that these are matters which require exploration and examination before any definite conclusion can be arrived at. Of these weaknesses some have been examined by Government and decisions have been arrived at. There are some which have not been examined as yet. I will first refer to those about which Government have after consideration come to a decision. They include the question of separate Secretariat, Agenda and Representation.

Only An Advisory Body

"The demand for a separate Secretariat for the Labour Conference is, I think, based on the analogy of the I.L.O. Government think that there is a fundamental difference between the I.L.O. and our Tripartite Organisation. It lies in the fact that the I.L.O. is an independent organisation created by the Peace Treaty of Versailles. Its conventions and recommendations place definite obligations on all State-Members and failure to fulfill those obligations involves certain definite international liabilities. It is regulated by its own constitution and is not subject to any outside authority. In addition to this the I.L.O. has its own finances and is not dependent upon any other state or Department for meeting its liabilities when it chooses to undertake any new function.

"Our Tripartite Organisation is not independent in the same sense as the I.L.O. is. It has no independent finances and it cannot have any. It is only an advisory body which is constituted to advise the Government of India on such matters as are referred to it for advice. It cannot take decision. To allow it to do so would be to permit it to

usurp the functions of the Legislature. Having regard to these differences, it is obvious that an independent Secretariat for the Labour Conference will create friction between Government and the Conference.

“It is true that the efficiency of the I.L.O. is derived largely from its Secretariat and its capacity to turn out good material. Nonetheless the Government of India feel that all the functions of that Secretariat with the exception of “Research and Information” are such as can be discharged efficiently by the Labour Secretariat of the Government of India. As regards ‘Research and Information’ the Labour Department have certain proposals under consideration for reorganizing its activities which *inter alia* will set up necessary machinery for research and collection of information on labour and allied questions. For those reasons the Government of India do not at present favour the idea of a separate Secretariat for the Tripartite Organisation.

Right To Fix Agenda

“On the question of the Agenda, Government have considered the matter. The decision of the Government is that they cannot surrender the right to fix the Agenda of the Conference. The Conference is not a Legislature. It is an advisory body and Government must determine what are the matters on which they need advice.

“There is another reason why Government cannot surrender the right to frame the Agenda for the Conference. It is not possible for Government to accept an obligation to place a subject on the Agenda unless Government are in a position to furnish the Conference factual statements which would help and guide members in their deliberations and have had time to examine the matter sufficiently enough to be able to express their own view. It is not possible for Government to be ready with such statements without sufficient notice. But, subject to their right to frame the Agenda, Government are prepared to revise the procedure.

“According to present procedure the Labour Department invites suggestions from Governments, and Employers and Workers Associations after the conclusion of a meeting from which items are selected for an Agenda for the next meeting. There is no consultation between Government and the Conference or Committee before a decision is

taken by Government in selecting items for the Agenda. Under the revised procedure Government will be ready to receive suggestions for the Agenda whenever Government, and Employers and Workers Associations may desire to send them in. In case they fail, Government will invite suggestions from delegates at each meeting.

“The other change which Government are prepared to make is that while the final decision will be that of the Government, all suggestions received for the framing of the Agenda will be placed for discussion at each meeting. This will give Government the opportunity to consult the wishes of the members and the members will have the opportunity to express their preference. I am sure you will agree that this is a great improvement on the present position.

“On the question of the composition of the Conference I admit that there is much force in the suggestions which have been made. If the two employers’ organisations are fully representative, as they claim to be, obviously there is no justification for nominating employers. In the same way, it is necessary to see that the working classes should have not only their problems of employment and welfare considered but that they should be trained to do their things for themselves. This can be done by allowing working men and working women to participate in all Labour Conferences. You must have been aware of the fact that recently when the Coalmines Welfare Committee was organised Government took the step of appointing one working man and one working woman in the coalmines to represent the working classes on the Committee.

Constitution : Some Suggestions

“Government are therefore not averse to making appropriate changes in the composition of the Conference. At the same time, Government feel that matters relating to changes in the composition of the Conference are not very urgent and we could well afford to postpone their consideration for a while. As I said in the course of the first Tripartite Conference, we must not keep on pulling out the plant every now and then to see whether it has taken any roots. This is a way to kill the plant.

“I will now turn to the weaknesses in the constitution of the Conference. This is a weakness which Government admit is a serious

one and must be remedied. But Government had not arrived at any conclusion. Government would welcome any suggestions that you may like to make. May I place before you my views on the matter ? I would suggest the following changes in the constitution:

- (1) To divide the subjects which come within the scope of the conference into two lists. List I will contain all general subjects such as (a) terms and conditions of employment; (b) Labour Legislation; and (c) questions relating to social security. List II will include all concrete questions (a) relating to labour welfare and (b) relating to the administration of labour laws. Subjects in List I will be assigned to the Plenary Conference, which I would propose should be called by the simple name Labour Conference dropping the words 'Plenary and Tripartite' which has made the name too mouthful.
- (2) To create a new body to be called Labour Welfare Committee and assign to it subjects following in List II.
- (3) The composition of the Labour Welfare committee will be as follows : (a) members elected by the Standing Labour Committees ; (b) one representative of the Employer and one representative of the employees drawn from organised industries and municipal and other bodies employing labour; (c) persons nominated by Government from non-officials; (d) persons representing Indian States; and (e) representatives of Provincial Governments.
- (4) There will be no change in the Standing Labour Committee so far as its composition is concerned. Only there will be a change in its function. It will not be a deliberative body. It will be the agent of the Conference and will perform such of the duties assigned to it by the Conference from time to time.

"Under this arrangement there will be three organs : the Conference, the Standing Committee and the Welfare Committee.

"The functions and powers of the Conference will be as follows :

- (1) To make recommendations to Government on matters relating to terms and conditions of employment and all questions of social security which might be placed on the Agenda.

- (2) To refer any such matter or any part of such matter to the Standing Labour Committee with a direction : (a) to make a report back to the Conference, or (b) make a recommendation to the Government.
- (3) To appoint an *ad hoc* committee to consider any matter on the Agenda with a director to report: (a) to the Conference : (b) to the Standing Labour Committee with a view to making recommendation to Government and making a further report to the Conference.

The functions and powers of the Standing Labour Committee will be such as may be Conferred upon it by the Conference. It will be an agency of the conference and will derive its authority from the Conference and will, with the exception mentioned below, conduct no business other than that which has been delegated to it by the Conference. It will, however, be open to Government to refer a matter on which they want an early opinion direct to the Standing Labour Committee for report either to the Conference or the Government. But ordinarily any report or recommendation of the Standing Labour Committee should be made to the Conference.

“The powers of the Standing Labour Committee will be :

- (i) to make recommendations or reports to the Conference on matters referred to it by the Conference ;
- (ii) to make recommendations to Government in a case in which the Conference has directed the Standing Labour Committee to report to Government; and
- (iii) to appoint *ad hoc* Committee to consider any matter on the Agenda with directions to report to the Standing Labour Committee.

Labour Welfare Committee

“The functions of the Labour Welfare Committee will be confined to matters relating to Labour Welfare and administration of Labour Legislation. Its powers will be to consider all such matters placed before it and to make recommendations to Government.

“These are my proposals for removing the organisational weaknesses that have been discovered. They are put before you in my personal capacity as a Member of this Conference. No greater weight attaches to them though the approach, I may say so, seems to me to

be sound, I propose to have these proposals examined departmentally in the Government of India. If they are found to be workable the conclusions of Government will be placed before you for your deliberation. This organisational grievance I regard as a very serious matter and I promise to treat it as a matter of urgency.

“I have said all that need be said on matters relating to the Conference, reconstituting the various bodies which form parts of it, recasting its procedure and reforming its personnel. I hope you will agree that Government are keen on improving its efficiency and enhancing its utility.

Labour Legislation

“There are two other matters to which I would like to make a reference. The Legislative Programme of the Labour Department for the coming session of the Assembly comprises three Bills : Factories Amendment Bill, otherwise known as Bill for Holidays with Pay : Trade Unions Amendment Act which seeks to provide for the recognition of Trade Unions ; and Payment of Wages Amendment Bill. The first two have been considered by the Conference. The third Bill is a new bill and is, according to our procedure, laid before you for discussion.

“As you are aware the 26th Session of the International Labour Conference was held at Philadelphia in U.S.A. in April last. There was an Indian Delegation which attended the session. It was led by Sir Samuel Runganadhan, High Commissioner for India in London. The Government of India were represented by the Hon'ble Mr. H. C. Prior, C.S.I., CLE., I.C.S., Secretary to the Labour Department, Mr. D. G. Mulherkar represented the Employers and Messrs. Jamnadas Mehta, M.L.A., Mr. Aftab Ali and Mr. R. R. Bhole represented the Employees. You will, I am sure, join with me in recognizing publicly the splendid part that they played and the great work they did at the Conference. The delegation has made a report which is placed before you. I am sure you will find it both interesting and instructive.

“There is nothing that I can usefully add. I will therefore conclude with thanks for your having given me a patient hearing. Let us begin the work which is awaiting us.”

Dr. Ambedkar's Memorandum

An indication of the action taken by the Central Government subsequent to the discussions at the Tripartite Labour Conference and its Standing Labour Committee is given by Dr. Ambedkar, in the *Memorandum* placed before the Labour conference. Among the subjects covered by the Memorandum are : Settlement of trade disputes, Labour welfare, Food supplies to industrial labour, Fair wage clause in Government contracts, Labour Officers in industrial undertakings, Employment exchanges, Industrial statistics, Involuntary unemployment, Labour representation, Social Security, dearness Allowance and Industrial canteens.

The consensus of opinion at the third meeting of the Standing Labour committee in May, 1943, was that the Government of India should proceed with the establishment of employment exchanges. A proposal to prohibit advertising for technical personnel was also put forward by the Central Government and was generally approved. Both these proposals have been given effect to. Exchanges have been opened at a number of centres to provide employment to technical personnel.

General opinion at this meeting was also in favour of (1) a certain degree of continuity being maintained in the adjudication machinery, and (2) the whole policy regarding trade disputes being laid down *de novo* and a new Act being enacted in place of the existing Trade Disputes Act, 1929, encouraging internal conciliation. While proposals for fresh legislation are under consideration the Central Government have brought item (1) to the notice of the Provincial Governments who have, as far as possible, maintained continuity. Government have under consideration proposals for fresh legislation on the question of trade disputes.

Bevin Training Scheme

Another question which arose out of this meeting was that organised labour should be associated with National Service Labour Tribunals for selecting Bevin trainees and that Tribunals should consult prominent trade Unions in their area at the time of selection of candidates. This method of selection is under consideration for selecting trainees. On the labour welfare side the committee's

suggestion that the Welfare Fund should be built up for housing, education, etc., is under Government's consideration, but, the Memorandum says, there are great difficulties in devising any practical scheme.

At the second meeting of the Standing Labour Committee in January, 1943, a resolution was adopted recommending distribution of food supplies to industrial labour through employers' grain shops, associations of approved and recognised trade unions or other representatives of employees in the working of such shops, encouragement of cooperative grain shops to industrial labour, etc., etc. These recommendations are brought to the notice of the appropriate authorities. With the introduction of rationing in large cities and towns and its gradual extension to smaller towns, the measures recommended are now out of date. But the rationing authorities use the agency of the employers' grain shops as much as possible.

Fair Wage Clause

The Memorandum further refers to a fair measure of agreement reached at the third Standing Labour Committee meeting in May, 1943, on the provisions of fair wage clause in Government contracts. It is stated that the Central Government have already "a fair wage" clause in the Central P.W.D. contracts.

In their own undertakings, the Central Government are giving effect to the recommendation that labour officers should be appointed as far as possible for all large industrial undertakings. Provincial and State Governments and private employers have also been requested to do so and, according to a report received from the Indian Mining Association, they have appointed personnel officers.

The Committee's suggestion that matters under dispute should be specified in the order referring dispute to adjudication, and the defence of India Rule 81 (a) has been amended accordingly. The attention of the Provincial Governments has been drawn to the desirability of making a provision in the adjudication order that workers whose conduct is under investigation or who are immediately connected with the dispute shall not be discharged by the employer except for misconduct unconnected with the dispute or with the approval of the adjudicator or other prescribed authority. The question of collecting

statistics of wages and earnings and hours of work for selected industries on an all-India basis is under active consideration.

Involuntary Unemployment

The fifth Labour Conference at its session in September, 1943, unanimously agreed that some kind of relief was necessary for cases of involuntary unemployment of workers due to shortage of coal, raw materials, etc. The Central Government have issued a circular letter to Provincial Governments advocating the adoption of principles set out therein, for grant of relief, and this letter has also been brought to the notice of the States concerned. At this session Labour had put in a strong plea for adequate representation in legislatures, local bodies and statutory committees, etc. The matter is under consideration and the Memorandum points out that labour is represented on "Central" official committees such as the Reconstruction Policy Committees, Central Health Survey and Development Committee and Central Food Advisory Committee.

Wages And Earnings

This session adopted a resolution for the setting up of a machinery to investigate the question of wages and earnings, employment and housing and social conditions generally with a view to providing adequate materials on which to plan a policy of social security for labour. In pursuance of this resolution a Labour Investigation Committee has been constituted and its report is expected to be received by the middle of 1945.

The Memorandum points out that Provincial Governments and States, and employers and workers associations were consulted about introduction of standing orders in industrial concerns employing 250 or more persons, and that there was general opposition to take statutory powers under the Defence of India Rules. It is proposed to enact permanent legislation on the subject at an early date. In the meantime the two all-India bodies of employers have been requested to frame standing orders forthwith without waiting for legislation to be completed. A memorandum designed to be of assistance to the employer in framing the Standing Orders has also been circulated.

The discussions of Statutory Wage Control at the fourth Standing Labour Committee meeting resulted in a fair measure of agreement regarding the form of machinery for the regulation of wages. The question as to what industries may be covered by legislation was on the Agenda of the present session of labour conference.

Industrial Canteens

Committees have been set up in four Provinces, i.e., Bombay, the United Provinces, Bengal and Bihar, to investigate the question of standardisation of definitions of trades and the recommendations of these committees are awaited. As suggested at this meeting representatives of labour are associated with the Central Exchange through the Employment Committees constituted for advising National Service Labour Tribunals in regard to the administration of Employment Exchanges.

The Memorandum further refers to the steps taken by the central Government to encourage workers' canteens in industrial concerns. They have sanctioned rent-free accommodation and free furniture and cooking utensils in canteens run by Government or by the workers or by both jointly and, under certain conditions, even in the canteens run by contractors. Supply of rationed foodstuffs to canteens outside the rations has also been sanctioned.

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